<u>REMARKS</u>

Reconsideration of the present application, as amended, is respectfully requested. Claims 1-34 of the present application are currently pending. In the accompanying amendment, claims 1-6, and 8 have been amended. The amendments to the claims are fully supported by the specification, claims, and drawings as originally filed, and thus do not add new matter.

In the Final Office Action mailed February 6, 2004, the Examiner rejected claims 1-34 under 35 USC § 103(a) in view of the combination of Lefkowitz (US Patent No. 6,091,417) and Spiegel, et al. (US Patent No. 6,466,918). Applicants, however, respectfully disagree with the Examiner that claims 1-34 are obvious in view of the combination of Lefkowitz and Spiegel.

In order to overcome the burden that there must be some suggestion or motivation to combine Lefkowitz and Spiegel, the Examiner states "it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Lefkowitz and Spiegel in order to provide users with a means to quickly identify popular web resources of interest." However, Lefkowitz is not attempting to solve the problem of providing users with a means to quickly identify popular web resources of interest. Instead, Lefkowitz is attempting to provide a virtual simulation for a physical shopping mall (column 2, lines 39-42). In order to make the virtual simulation realistic, Lefkowitz goes to the extent of representing conventional details from the physical world, even though such details can only be decoratively (non-functionally) represented in the virtual world. For example, conventional details such as restrooms or food court in a shopping mall are represented in the virtual simulation even though they do not function as the conventional physical world embodiments, in order to provide some additional familiarity to a user as the user navigates through the graphical user interface. If the teachings of Spiegel were to be combined with the teachings of Lefkowitz, as suggested by the

Examiner, then some representation of the respective popularity of web resources, as taught by Spiegel would have to be incorporated into the virtual shopping mall of Lefkowitz, thus destroying the look and feel of the virtual shopping mall of Lefkowitz. For this reason, it is respectfully submitted that one skilled in the art would not be motivated to combine the teachings of Lefkowitz and Spiegel, as suggested by the Examiner. Accordingly, it is respectfully submitted that the Examiner has failed to demonstrate a prima facie case that the present invention is obvious in view of the combination of Lefkowitz and Spiegel.

Moreover, claim 1 as amended includes the following limitations:

> "A method of facilitating access to web sites, the method comprising:
> executing a 3D viewing environment module to display a portal site in a 3D viewing environment;
> receiving a selection of a first web site from a plurality of web sites from a user; the web site identified by a first resource locator and designated by the user in the portal site;
> generating a request for a resource from the web site, the request including the first resource locator and to be sent to a data network;
> receiving a display suitable for the 3D viewing environment, the display representing a number of second web sites separate from the first web site;
> receiving the resource; and
> displaying the display at least while the resource is being received from the data network."
> (Underlining for Emphasis)

In the system of Lefkowitz, when a sub-region is selected, a retail site is imported into the second frame 14 of the web page (see column 3, lines 15-20). Lefkowitz does not teach or suggest displaying a display representing a number of second web sites separate from the first web site, at least while the resource is being received from the data network, as recited in claim 1. Even if Lefkowitz may properly combined with Spiegel, the resultant combination fails to teach or suggest the above emphasized limitations of claim 1. This is because Spiegel merely

teaches a system and method for automatically identifying the most "popular" nodes (categories and/or items) within a browse tree or other hierarchal browse structure, for calling such nodes to the attention of the user during navigation of the browse structure (see column 1, lines 60-65). Selection of a node in the browse tree structure of Spiegel, causes the children of the node to be displayed (see column 4, lines 60-65). Selection of the node does not result in displaying a number of second web sites separate from the first web site (node), at least while the resource is being received from the data network.

Moreover, the combination of Lefkowitz and Spiegel does not teach or suggest a display suitable for a 3-D environment. In this regard the Examiner has stated that "Lefkowitz teaches a 3-D viewing environment in the description and drawing of an elevator (Figure 3, 12). The elevator displayed in a 3-D manner for the user to use as a navigational tool." However, the Examiner has failed to consider that Lefkowitz explicitly states that Figure 3 is not how the virtual mall would appear to a user on a web page 11 but is merely illustrative of how the virtual mall functions (see column 4, lines 10-25). If the depiction of the virtual mall as per Figure 3 is not what a user sees, then it is respectfully submitted that it is improper for the Examiner to suggest that Lefkowitz teaches a 3-D viewing environment based on what is shown in Figure 3. The last mentioned point is more cogent when one considers that the depiction of the virtual mall in Figures 1 and 2 is clearly two-dimensional.

Based on the foregoing, it respectfully submitted that the combination of Lefkowitz and Spiegel does not teach or suggest all limitation of claim 1, and therefore cannot render claim 1 obvious.

Given that claims 2-3 depend on claim 1, it is respectfully submitted that these claims are also not rendered obvious by the combination of Lefkowitz and Spiegel.

Claim 4 as amended includes the following limitations:

> "A method of facilitating access to web sites comprising:
>
> providing a designated portal site to a computing device over a network, the designated portal server including a plurality of identifiers, each identifying a server within the data network, wherein the computing device is executing a 3D viewing environment module so that a user can interact with the data network in a 3D viewing environment; and
>
> receiving a request for a resource from one of the servers, the request including the identifier of the server;
>
> in response to the request, <u>selecting at least one server that is different from the server identified in the request from a plurality of predesignated servers,</u> and transmitting to the computing device a display suitable for the 3D viewing environment, the display including a link to the selected server; and
>
> transmitting to the computing device the resource."
>
> (Underlining for Emphasis)

As noted above, in response to receiving a request (when a sub-region is selected), the system of Lefkowitz causes a retail site to be imported into the second frame 14 of the web page (see column 3, lines 15-20). Thus, Lefkowitz does not teach or suggest the above-emphasized limitation of claim 4. In the system of Spiegel, selection of a node (hyper-link) causes the children of the node to be displayed (see column 4, lines 60-65)). Thus, Lefkowitz and Spiegel, whether considered individually or in combination fail to teach or suggest the above emphasized limitation of claim 4.

Accordingly it is respectfully submitted that claim 4 is not rendered obvious by the combination of Lefkowitz and Spiegel. Given that claims 5-7 depend on claim 4, it is respectfully submitted that these claims are also not rendered obvious by the combination of Lefkowitz and Spiegel.

Each of claims 8-34 include limitations similar in scope to the above discussed

limitations of claims 1, and 8. Accordingly, it is respectfully submitted that claims 8-34 cannot

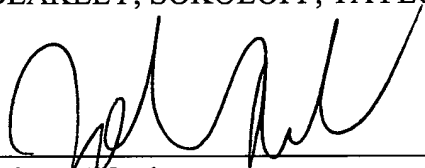be rendered obvious by the combination of Lefkowitz and Spiegel.

In view of the foregoing, it is respectfully submitted that the claims are now in condition

for allowance, which action is earnestly solicited.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any

necessary extension of time for response not already requested is hereby requested. Please charge any

corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,

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